

### **REMARKS/ARGUMENTS**

This is in response to the Office Action mailed on August 13, 2007 in which claims 1-5, 8-10, 22-25, 28-30, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicolais (EP 982236) in view of Hamilton et al. (EP 737481) in view of Ahlqvist et al. (U.S. 5,881,534). Claims 6, 7, 20, 21, 26, 27, 31, and 32 were objected to as being dependent upon a rejected base claim, but were stated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With this Amendment, claims 1, 2, 4, 6-8, 11-19, 21-25, 27-30 and 32-34 have been amended and claims 20, 26 and 31 have been cancelled. The above-listed amended claims along with the following remarks are fully responsive to the Office Action mailed August 13, 2007. Based on the following remarks, pending claims 1-34 are now in condition for allowance, and reconsideration and notice to that effect are respectfully requested.

#### **Cancelled Claims**

Claims 20, 26, and 31 have been cancelled without prejudice. In light of the cancellations, the rejections to claims 20, 26, and 31 should be withdrawn.

#### **Rejections Under 35 U.S.C. § 103**

In the Office Action, claims 1-5, 8-19, 22-25, 28-30, 33 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicolais in view of Hamilton et al. and further in view of Ahlqvist et al. Independent claims 1, 11, 24, and 28 have been amended to require that the pressure within the hermetically sealed envelope is less than atmospheric pressure. The Examiner stated in the Office Action dated August 13, 2007 that both Nicolais and Ahlqvist et al. were silent to a pressure within the envelope being less than atmospheric pressure. (Office Action, Page 5). By contrast, independent claims 1, 11, 24, and 28 all require that the pressure within the envelope is less than atmospheric pressure. As stated in the specification, "This injection step continues until the pressure prevailing inside the envelope 6 attains a predetermined value, denoted  $P_L$  in Figure 5, strictly less than atmospheric pressure, denoted  $P_{ATMO}$ ." (Page 6, lines 20-22; Figure 5). Nicolais, Hamilton

et al., and Ahlqvist et al. do not individually or in combination show, teach, or suggest reducing the pressure within an envelope housing a prosthetic implant and a satchel to less than atmospheric pressure.

Claims 1, 11, 24, and 28 require that the pressure within the envelope is less than atmospheric pressure. Claims 1, 11, 24, and 28 are thus in condition for allowance. Therefore, the rejection to independent claim 1 should be withdrawn and independent claim 1 allowed. In that independent claim 1 is in condition for allowance, the rejections to claims 2-10, which depend therefrom, should be withdrawn and claims 2-10 allowed. Therefore, the rejection to independent claim 11 should be withdrawn and independent claim 11 allowed. In that independent claim 11 is in condition for allowance, the rejections to claims 12-19 and 21-23, which depend therefrom, should be withdrawn and claims 12-19 and 21-23 allowed. Therefore, the rejection to independent claim 24 should be withdrawn and independent claim 24 allowed. In that independent claim 24 is in condition for allowance, the rejections to claims 25 and 27, which depend therefrom, should be withdrawn and claims 25 and 27 allowed. Therefore, the rejection to independent claim 28 should be withdrawn and independent claim 28 allowed. In that independent claim 28 is in condition for allowance, the rejections to claims 29, 30, and 32-34, which depend therefrom, should be withdrawn and claims 29, 30, and 32-34 allowed.

#### **Other Claim Amendments**

Claims 2, 4, 7, 8, 12-19, 21-23, 25, 27, 29, 30, and 32-34 have been amended to maintain consistency in form throughout the claims. No new matter has been added.

#### **Conclusion**

In summary, pending claims 1-19, 21-25, 27-30, and 32-34 are believed to be patentable for at least the reasons described above. A prompt notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

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